

Date: 1/8/2013

5 U.S.C. § 552(b)(6)

CERTIFIED MAIL

Dear 5 U.S.C. § 552(b)(6)

The Food Security Act of 1985, as amended, requires any person who plants an agricultural commodity on a wetland converted after December 23, 1985, or converts a wetland after November 28, 1990 for the purpose of making production of an agricultural commodity possible, to be determined ineligible for many US Department of Agriculture (USDA) program benefits conditioned upon compliance with provisions set forth in USDA regulation 7 CFR Part 12 §12.4.

On December 18th, 2012 the Natural Resources Conservation Service (NRCS) conducted a wetland determination field investigation on 5 U.S.C. § 552(b)(6) in Monroe County, Illinois. Based on the field investigation I have made a preliminary technical determination that:

- Field A shown in Section II of the attached NRCS-CPA-026E "HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION" form, contain wetlands and/or wetland violations with the labels/certifications as indicated.
- These areas met, or had met before conversion, wetland criteria of having soils that developed in wetlands, plants that grow in wetlands and soil and/or surface wetness.
- Your manipulation by removing woody vegetation in 2012 on this wetland area is considered a manipulation that makes the area farmable and is a violation of the wetland provisions of the Food Security Act of 1985, as amended. This violation may impact your ability to receive many USDA program benefits if an exemption is not granted.

This preliminary technical determination has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination may not be valid for identifying the Army Corps of Engineers' (COE) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work.

The following are your rights under the USDA Administrative Appeals Process, as provided by the NRCS Appeals Procedures, 7 CFR 614, May 16, 2006, 71 FR28239. To exercise these rights you must respond to this office within 30 days of this letter.

1. You may request reconsideration and a field visit from the local office. The request must be made in writing and can be sent by email, fax, regular mail, or be hand delivered to the NRCS office located at: 140 Williamsburg Lane, Waterloo, IL 62298, ph. 618-939-6181 ext 3, fax 618-939-4647, or email wayne.johanning@il.usda.gov.

A field review will be conducted by NRCS field office personnel and an NRCS Area Technical Specialist, to review with you the basis for the preliminary technical

determination, answer any questions you may have, gather additional information from you concerning the preliminary determination and conduct additional field investigations if necessary.

Following the field visit, if the facts as presented at the field visit result in a determination that is no longer adverse to you as a USDA Program Participant, I will issue a final technical determination within 15 days. If, however, the determination remains adverse, I must by regulation at 7 CFR 614.7(b), forward my technical determination and all findings, including those from the field visit, to the State Conservationist for review and issuance of the final technical determination. If that determination is adverse, the State Conservationist will issue your appeal rights on the final technical determination.

2. You may also request mediation. Mediation may be used in an attempt to explain the preliminary technical determination, review other information that may be pertinent to your farming operation, and to provide a forum for a potential solution to any concerns you have with the preliminary technical determination. If you need information to assist you in deciding whether to mediate our decision you can call or e-mail the Illinois Agricultural Mediation Program or visit their web sites at www.ilagmediation.org and www.dri-inc.org. To request mediation, fax, email or mail a signed request with your contact information and a copy of this determination letter to the Illinois Agricultural Mediation Program office at:

Illinois Agricultural Mediation Program
Dispute Resolution Institute, Inc.
P.O. Box 1136
Carbondale, IL 62903
Phone: (618) 549-1300
Fax: 618-351-1419
Email: iamp@dri-inc.org

Mediation must be completed within 30 days from the date of the first mediation session. If an agreement is not reached, the mediation process ends. If an agreement is reached, I will issue a final technical determination that will be issued on the basis of the mediation agreement not later than 15 calendar days from the date the mediation agreement is signed by all parties. There will be no further appeal rights available if you choose mediation and the issue is successfully resolved.

3. If you wish to expedite the formal appeal process, you may make a written request to waive your informal reconsideration and/or mediation rights of the preliminary technical determination. Such request will render the preliminary technical determination final and appealable.

Until the preliminary technical determination subject to this notification becomes a final technical determination, the Farm Service Agency (FSA) will not use the preliminary technical determination to make decisions on your eligibility for any USDA program benefits subject to the Conservation Compliance Provisions.

If you are the owner of 5 U.S.C. § 552(b)(6) and the tract is being farmed by a tenant, I urge you to discuss this letter with your tenant. Likewise, if you are the tenant of 5 U.S.C. § 552(b)(6), I urge you to discuss this letter with your landlord.

Sincerely,

Bryan Fitch

Digitally signed by Bryan Fitch
DN: cn=Bryan Fitch, o=USDA-
NRCS,
email=bryan.fitch@usda.gov,
c=US
Date: 2013.01.07 14:55:00 -06'00'

Designated Conservationist

Attachments:

NRCS-CPA-026E HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION
DETERMINATION with map

cc: Monroe County Soil & Water Conservation District



United States
Department of
Agriculture

Farm Service Agency
Monroe County FSA
138 Williamsburg Lane
Waterloo, IL 62298

March 1, 2013

5 U.S.C. § 552(b)(6)

Dear 5 U.S.C. § 552(b)(6)

The Food Security Act of 1985, as amended, provides that, unless exempt, persons are ineligible for benefits under certain programs administered by USDA (program applicability is found in FSA's Handbook 6-CP (Rev. 4) paragraph 3 and is enclosed) if they convert a wetland after November 28, 1990, by draining, dredging, filling, leveling, or any other means for the purpose, or to have the effect, of making the production of an agricultural commodity possible. A recent status review completed by the Natural Resources Conservation Service (NRCS) revealed that there is a Wetland Conservation (WC) compliance violation on 5 U.S.C. § 552(b)(6) 5 U.S.C. § 552(b)(6) 5 U.S.C. § 552(b)(6).

In their review, NRCS made a preliminary technical determination on January 8, 2013 that .2 acre(s) on 5 U.S.C. § 552(b)(6) had been cleared and the area was a wetland. The NRCS preliminary technical determination became final on February 8, 2013. The determination revealed that your manipulation by removing woody vegetation in 2012 on this wetland area is considered a manipulation that makes the area farmable and is a violation of the wetland provisions of the Food Security Act of 1985.

According to 6-CP (Rev. 4) subparagraph 601 B, if the action that caused the violation was converting a wetland, then the Farm Service Agency (FSA) is required to deny benefits for the crop or program year that equals the calendar year in which NRCS determines the conversion activity took place, in this case 2012. This denial of benefits continues for all subsequent years until the wetland is restored or mitigated before January 1 of the subsequent crop year(s). This determination of ineligibility applies to you and any persons affiliated with you. To date, according to information on file in this office including your AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification, identified affiliated producer(s) are 5 U.S.C. § 552(b)(6) 5 U.S.C. § 552(b)(6).

As a result, you are ineligible to receive all benefits on 5 U.S.C. § 552(b)(6) in addition to any other farms requesting benefits under this producer name. Also, any entity that this producer name is a first level member of may have payments reduced according to your share. The amount to be refunded will be included in a separate letter.

The reviewing authority has taken into consideration all available avenues of relief under specific program procedure in the handbook(s) applicable to the issue(s) under appeal, and the 7-CP handbook (7 CFR § 718). The reviewing authority has examined the record and found no evidence to support relief under the finality rule, misaction/misinformation, and failure to fully comply provisions.

You may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee to the FSA State Committee or the National Appeals Division or request mediation. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

138 Williamsburg Lane
Waterloo, IL 62298

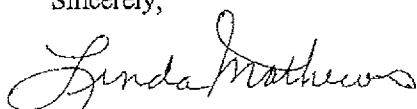
The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance programs. (Not all prohibited basis apply to all programs.) Persons with disabilities who require alternative means for communications of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800)-795-3272 (voice) or (202)-720-6382 (TDD). USDA is an equal opportunity provider and employer.

In addition to the above notification of benefit and payment ineligibility and applicable appeal rights, FSA would also like to notify you of good faith relief provisions that may be available for inadvertent violations. Benefit and payment eligibility may be restored if it is determined you acted in good faith as approved by FSA and you agree to implement practices according to a mitigation or restoration plan within an agreed period, not to exceed one year.

If you decide to request a good faith determination, please use Form AD-1069, which has been provided for your convenience, and complete items 7 and 8. As opposed to completing item 7 you may attach a sheet to explain your request. You may also request to meet with the County Committee to provide any information that will assist in their review. If you determine to pursue this option, the completed Form AD-1069 needs to be returned to this office.

Sincerely,



Linda Mathews
County Executive Director

cc: Wayne Johanning, NRCS District Conservationist
Ray Gvillo, District Director

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In their review, NRCS made a preliminary technical determination on January 8, 2013 that .2 acre(s) on 5 U.S.C. § 552(b)(6) had been cleared and the area was a wetland. The NRCS preliminary technical determination became final on February 8, 2013. The determination revealed that your manipulation by removing woody vegetation in 2012 on this wetland area is considered a manipulation that makes the area farmable and is a violation of the wetland provisions of the Food Security Act of 1985.

According to 6-CP (Rev. 4) subparagraph 601 B, if the action that caused the violation was converting a wetland, then the Farm Service Agency (FSA) is required to deny benefits for the crop or program year that equals the calendar year in which NRCS determines the conversion activity took place, in this case 2012. This denial of benefits continues for all subsequent years until the wetland is restored or mitigated before January 1 of the subsequent crop year(s).

Furthermore, according to Handbook 6-CP (Rev. 4) subparagraphs 602 E and F and paragraph 302, a producer determined to be an 'affiliated person' of the producer/entity determined to be in violation is also affected due to the affiliated relationship. A copy of the policy is enclosed. As such, this determination of ineligibility applies to you as an affiliate 5 U.S.C. § 552(b)(6). Because of this affiliated relationship, other options to review potential restoration of benefits to you may exist in addition to those outlined below; feel free to contact me for additional review as these actions are determined on a case-by-case basis.

As a result, you are ineligible to receive all benefits on 5 U.S.C. § 552(b)(6) in addition to any other farms requesting benefits under this producer name. Also, any entity that this producer name is a first level member of may have payments reduced according to your share. The amount to be refunded will be included in a separate letter.

The reviewing authority has taken into consideration all available avenues of relief under specific program procedure in the handbook(s) applicable to the issue(s) under appeal, and the 7-CP handbook (7 CFR § 718). The reviewing authority has examined the record and found no evidence to support relief under the finality rule, misaction/misinformation, and failure to fully comply provisions.

You may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee to the FSA State Committee or the National Appeals Division or request mediation. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

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Linda Mathews
County Executive Director

cc: Wayne Johanning, NRCS District Conservationist
Ray Gvillo, District Director

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138 Williamsburg Lane
Waterloo, IL 62298

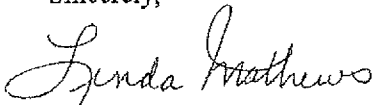
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Sincerely,



Linda Mathews
County Executive Director

cc: Wayne Johanning, NRCS District Conservationist
Ray Gvillo, District Director

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Schwarze, Lisa - FSA, Waterloo, IL

From: Martin, Kimberly - FSA, Springfield, IL
Sent: Tuesday, March 19, 2013 1:25 PM
To: Schwarze, Lisa - FSA, Waterloo, IL; Diebal, Jamie - FSA, Springfield, IL
Subject: RE: Good Faith Relief for WC Violation

Lisa-

Please scan/email the following to me:

To assist in this review process, submit the following items (copies only). Do not staple documents (if mailed), put in chronological order (with most recent on top), no front/back- front only for additional copying, preference is to scan in the file and email.

Short cover memo to SED sent to attention of CEPD- Donald or Jamie.

applicable COC minutes

completed AD-1068/1069 and request for good faith from producer if separate from AD-1068/1069

FSA's noncompliance letter notification to producer

FSA-569

NRCS final determination letter

NRCS status review documentation, work sheets, notes, CPO the producer was found in violation of (if there was one and may not be one for WC), etc. according to 6-CP par. 716E

AD-1026 and 1026A/Producer Farm Data Report

156-EZ for the farm

map of the acreage in violation

*any other info you feel may be needed to help substantiate good faith determination

Thanks,

Kim Martin

Kimberly Martin | Conservation and Environmental Programs Assistant
Farm Service Agency
U.S. Department of Agriculture
3500 Wabash Ave | Springfield, IL 62711
Phone: 217.241.6600 ext. 225 | Fax: 217.241.6619

Kim

*What I
sent to
STO 3-29-13*

From: Schwarze, Lisa - FSA, Waterloo, IL
Sent: Friday, March 15, 2013 3:48 PM
To: Diebal, Jamie - FSA, Springfield, IL; Martin, Kimberly - FSA, Springfield, IL
Subject: Good Faith Relief for WC Violation

Jamie/Kim

I have a WC Violation that our COC has granted good faith and the SED needs to concur; what do we need to send along with the AD-1069 to the STO for STC/SEC approval?


Thanks

Lisa Schwarze

Monroe County Program Technician

Tel: 618 939 6181 x104

Fax: 618 939 4647

 United States Department of Agriculture
FSA *Farm Service Agency*

Schwarze, Lisa - FSA, Waterloo, IL

From: Schwarze, Lisa - FSA, Waterloo, IL
Sent: Friday, March 29, 2013 8:55 AM
To: Diebal, Jamie - FSA, Springfield, IL; Martin, Kimberly - FSA, Springfield, IL
Cc: Mathews, Linda - FSA, Waterloo, IL
Subject: Good Faith Relief for WC Violation 1of3
Attachments: 20130329083834542.pdf

Hi Jamie and Kim,

Attached is a request for Good Faith Relief for WC Violation. I tried to scan as one PDF file and was getting error message "file to big", therefore I am sending three emails to both of you. Please let me know if you need anything else for our office.

Thanks

Lisa Schwarze
Monroe County Program Technician
Tel: 618 939 6181 x104
Fax: 618 939 4647

-----Original Message-----

From: Lisa [<mailto:Lisa.Schwarze@il.usda.gov>]
Sent: Friday, March 29, 2013 8:39 AM
To: Schwarze, Lisa - FSA, Waterloo, IL
Subject: Message from "RICOHG3001N01"

This E-mail was sent from "RICOHG3001N01" (Aficio MP C3001).

Scan Date: 03.29.2013 08:38:34 (-0500)
Queries to: do_not_reply@il.usda.gov

scan from Ricoh



Farm and Foreign
Agricultural
Services

Farm
Service
Agency

Monroe County FSA
138 Williamsburg Lane
Waterloo, IL 62298
(618) 939-6181 ext. 2

TO: Sherrie Giamanco – SED; Attention CEPD – Jamie or Kim

FROM: Monroe County COC; Attention CED -Linda Mathews or PT - Lisa Schwarze

DATE: March 28, 2013

SUBJECT: Good Faith Relief for WC Violation

COC reviewed the AD-1069, Request for Good Faith Relief Wetland Conservation (WC) Violations, submitted by **5 U.S.C. § 552(b)(6)**

According to 6-CP (Rev. 4) paragraph 621, the COC feels that the producer acted in good faith without intent to violate and the action was not a scheme or device to avoid compliance on the 0.2 acres. Therefore, the COC is submitting to the State Executive Director (SED) for concurrence as required by 6-CP (Rev.4), paragraph 631. Attached is all required documents.

If you have any questions, please feel free to give us a call at (618) 939-6181.


The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance programs. (Not all prohibited basis apply to all programs.) Persons with disabilities who require alternative means for communications of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800)-795-3272 (voice) or (202)-720-6382 (TDD). USDA is an equal opportunity provider and employer.



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MONROE COUNTY COMMITTEE MEETING MINUTES

466A	4748	11731	5.0	CP33
537A	4722	11348	10.6	CP9
538A	4722	11348	33.8	CP23

-  C. COC reviewed the AD-1069, Request for Good Faith Relief Wetland Conservation (WC) Violations, submitted by 5 U.S.C. § 552(b)(6) [REDACTED] [REDACTED]

On January 8, 2013 the NRCS conducted a wetland determination field investigation. It was determined that the removal of woody vegetation in 2012 was considered a manipulation that makes the area farmable and is a violation of the wetland provisions.

March 15, 2013 all producers involved submitted a good faith request stating that they were unaware of the program procedure and that they would restore the .2 of acre as required by the Wetland mitigation Plan/Agreement.

According to 6-CP (Rev. 4) paragraph 621, the COC feels that the producer acted in good faith without intent to violate and the action was not a scheme or device to avoid compliance on the .2 acre. Therefore, the COC will submit to the State Executive Director (SED) for concurrence as required by 6-CP (Rev. 4), paragraph 631.

4. PRODUCTION ADJUSTMENT:

- A. The COC has delegated the authority to CED, Linda Mathews, to approve CCC-509 for the 2013 program year per DAFP Conference Notes dated January 17, 2013.
- B. COC approved the following 2013 CCC-509, Direct and Counter Cyclical Program Contract, and, if applicable, the CCC-509 ACRE, Average Crop Revenue Election (ACRE) Program Irrevocable Election, according to 1-DCP (Rev. 3), paragraph 353.

<i>Farm #</i>	<i>Farm#</i>	<i>Farm#</i>	<i>Farm#</i>	<i>Farm#</i>
17	20	41	156	254
255	272	295	487	509
548	567	579	586	604
649	739	835	1079	1149
1308	1318	1393	1597	1747
1885	1886	2013	2082	2204
2577	2561	2573	2970	2985
2987	3034	3037	3107	3110
3112	3156	3185	3215	3216
3267	3302	3318	3406	3499
3555	3687	3722	3844	3845
3846	3869	3872	3933	4018

WETLAND MITIGATION PLAN\AGREEMENT

Name: 5 U.S.C. § 552(b)(6) Date: January 10, 2013
County: Monroe Farm No.: 5 U.S.C. § 552(b)(6)
State: Illinois Tract No.: 5 U.S.C. § 552(b)(6)

Address: 5 U.S.C. § 552(b)(6)

This agreement is to stipulate the conditions which must be created and maintained by the person in order to receive good faith/mitigation exemptions which will enable the provision of USDA program benefits to the person.

I hereby agree to the terms set forth below, and understand that any willful action on my part that is not consistent with the stipulated terms that will diminish the value of the restored wetland will result in the loss of the good faith/mitigation exemption and the area will be considered converted wetland (CW + 2012). I agree that the following terms will be installed and maintained in a condition that is to the satisfaction of the Natural Resources Conservation Service (NRCS) and agree to provide the right of access to wetlands involved to USDA personnel to monitor if terms of the agreement are being carried out.

PART 1 – CHARACTERISTICS OF PROJECT IMPACT

- I. Project Overview: 5 U.S.C. § 552(b)(6) cleared trees from a 0.2 acre wetland in 2012. A final certified wetland determination was completed in February 2013 that determined the area met all wetland criteria.
- II. Project Location: 5 U.S.C. § 552(b)(6)
(See attached map.)
- III. Characterization of Wetland Area Impacted:
 - A. Wetland Classification: PFOIA Palustrine Forested Wetland
 - B. Soils: Karnak overwash, frequently flooded. Matrix colors of 10YR4/2, 10YR5/1, and 2.5Y 5/1 within 12 inches of the soil surface. Yellowish red redox concentrations are present in all horizons from the surface down.
 - C. Vegetation: slough sedge, silver maple and black willow
 - D. Hydrology: water marks, inundation and oxidized roots
 - E. Topography: Low gradient lake shoreline

Part 2 – CHARACTERIZATION OF RESTORATION SITE

- I. Restoration Site Location: Same as impacted area:
- II. Site Characterization of Existing Physical Conditions:
 - A. Wetland Classification: Same as (Part 1, 3A)
 - B. Soils: Same as previously mentioned (Part 1, IIIB)

C. Vegetation: Same as previously mentioned (Part 1, IIIC)

D. Hydrology: Same as previously mentioned (Part 1, IIID)

E. Topography: Low gradient lake shoreline

III. Restoration Techniques:

A. The restoration/mitigation sites shown on attached map will be planted to Bald Cypress. Refer to the table below and Illinois Job Sheet 612TS for number of trees needed and establishment specifications. For more detailed information see practice standard tree/shrub site preparation 490. Seedlings should be planted at a rate of 218 trees/acre on a 20 foot spacing. A minimum of 150 trees/acre should be living after 2 years to meet NRCS standards and specifications. If there are not 150 trees/acre the site may need to be replanted where the stand is deficient. Do not plant into frozen or extremely dry soil. Begin planting as soon as the ground can be worked in late winter or spring and complete by May 15. Seed source of all plant materials should be within a 200 mile radius of the planting site. The planting will be protected from unacceptable adverse impacts from pests, wildlife, livestock damage, chemicals or fire. After planting, the site will not be sprayed with herbicides, unless to control invasive species such as autumn olive and bush honeysuckle. Mowing is not allowed after planting.

SPECIES	NUMBER OF SEEDLINGS TO PLANT
Bald Cypress	44

B. Re-Vegetation: The site will have some natural re-vegetation occurring from silver maple and black willow.

C. Hydrology:

1. Targeted Hydrologic Regime: surface water, saturation, flooding.
2. Source of Water: precipitation, runoff

This mitigation agreement applies to the 1985 Food Security Act as amended, only. Other Federal, state and local permits may be required. This agreement becomes effective when signed and dated by all parties identified below.

5 U.S.C. § 552(b)(6)

Name, Owner/Operator

Date

3/15/13

Wayne Johanning, District Conservationist

Date

3/15/13

December 2, 2012

St. Louis Corps of Engineers
Harrisonville Levee and Drainage
Monroe County Farm Service Agency
Monroe County Natural Resources Conservation Service

To whom it may concern:

I was completely surprised when I received the phone calls last week concerning my reclaiming of soil in MODOC Lake. I would never knowingly jeopardize my program payments with the FSA office. The only thing I was trying to do was to push back the treeline to where we had farmed previously. I did not think that you needed permission just to do that. This is the first time since the flood of 1993 that we had a chance to do that. My dad and I bought this farm in 1975. In 1976 we planted nearly halfway across the lake. We pushed willow trees back on the shoreline in the drought of 1983 and 1988. At no time, just like now, are we trying to gain more farmland than we originally had. Ignorance of the law is no excuse, but that's probably what I will

have to claim here. In saying that,
I know I am basically at your mercy.
I am truly sorry and hope there
is some way to rectify this problem
to everybody's satisfaction.

Respectfully

5 U.S.C. § 552(b)(6)

5 U.S.C. § 552(b)(6)



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

December 04, 2012

Regulatory Branch
File Number: MVS-2012-710

5 U.S.C. § 552(b)(6)

Mr. 5 U.S.C. § 552(b)(6):

This correspondence is in regards to an alleged unauthorized discharge and excavation of materials within a "Water of the United States", through work that you may have conducted in and adjacent to Moredock Lake, a waterbody connected to the Mississippi River, in Monroe County, Illinois. It was reported to our office that tree clearing and grading activities had taken place at the below listed location. A site visit to the area on November 27, 2012, revealed that work had occurred at the subject property in what appeared to be jurisdictional areas involving waters of the United States. On November 28, 2012, this office was again notified that work was taking place at the site. An officer from Illinois Conservation Police met with the individual onsite conducting the work, and on November 29, 2012, during a conversation with my staff, you verified that the work at the site had ceased. Specifically, the area of potential violation was verified to be located in 5 U.S.C. § 552(b)(6)

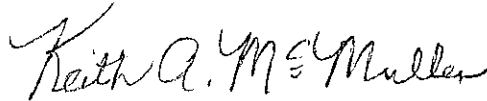
Section 404 of the Clean Water Act authorizes the Department of the Army to establish and enforce a Regulatory Program to protect "Waters of the United States." "Waters of the United States" includes all rivers, lakes, large and small streams with perennial, intermittent, and ephemeral flow, artificial water bodies, and wetlands. This office has jurisdiction to investigate and enforce Section 404 within the St. Louis District boundaries.

You are to contact this office and provide any information that you desire to furnish concerning this matter within 14 days of receiving this letter. Within the same period, you are also to arrange with this office for an on-site inspection so that we may evaluate the condition of the site. You must also furnish the name(s) and current mailing address(es) of any contractor(s) who assisted you in this activity. Contractors are considered co-liable for work efforts, as well as restoration or remediation of violation sites.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Any correspondence concerning this matter should be addressed to Alan Edmondson, Regulatory Branch, at the letterhead address. You may contact him at (314) 331-8811, to schedule and arrange for the details of an on-site meeting.

Sincerely,

A handwritten signature in black ink that reads "Keith A. McMullen". The signature is written in a cursive style with a large, stylized "K" and "M".

Keith McMullen
Illinois Section Chief
Regulatory Branch

Copy Furnished:

Mr. Yone Yu
US Environmental Protection Agency
Wetland and Watersheds Section WW16J
77 W. Jackson Boulevard
Chicago, IL 60604-3590

Mr. Mike Diedrichsen
IDNR, Office of Water Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Mr. Dan Heacock,
IEPA, Bureau of Water
1021 North Grand Avenue East
Springfield, Illinois 62794-9276



United States
Department of
Agriculture

Farm Service Agency
Monroe County FSA
138 Williamsburg Lane
Waterloo, IL 62298

March 1, 2013

5 U.S.C. § 552(b)(6)

Dear [REDACTED]:

The Food Security Act of 1985, as amended, provides that, unless exempt, persons are ineligible for benefits under certain programs administered by USDA (program applicability is found in FSA's Handbook 6-CP (Rev. 4) paragraph 3 and is enclosed) if they convert a wetland after November 28, 1990, by draining, dredging, filling, leveling, or any other means for the purpose, or to have the effect, of making the production of an agricultural commodity possible. A recent status review completed by the Natural Resources Conservation Service (NRCS) revealed that there is a Wetland Conservation (WC) compliance violation on 5 U.S.C. § 552(b)(6).

In their review, NRCS made a preliminary technical determination on January 8, 2013 that .2 acre(s) on 5 U.S.C. § 552(b)(6) had been cleared and the area was a wetland. The NRCS preliminary technical determination became final on February 8, 2013. The determination revealed that your manipulation by removing woody vegetation in 2012 on this wetland area is considered a manipulation that makes the area farmable and is a violation of the wetland provisions of the Food Security Act of 1985.

According to 6-CP (Rev. 4) subparagraph 601 B, if the action that caused the violation was converting a wetland, then the Farm Service Agency (FSA) is required to deny benefits for the crop or program year that equals the calendar year in which NRCS determines the conversion activity took place, in this case 2012. This denial of benefits continues for all subsequent years until the wetland is restored or mitigated before January 1 of the subsequent crop year(s). This determination of ineligibility applies to you and any persons affiliated with you. To date, according to information on file in this office including your AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification, identified affiliated producer(s) are 5 U.S.C. § 552(b)(6).

As a result, you are ineligible to receive all benefits on 5 U.S.C. § 552(b)(6) in addition to any other farms requesting benefits under this producer name. Also, any entity that this producer name is a first level member of may have payments reduced according to your share. The amount to be refunded will be included in a separate letter.

The reviewing authority has taken into consideration all available avenues of relief under specific program procedure in the handbook(s) applicable to the issue(s) under appeal, and the 7-CP handbook (7 CFR § 718). The reviewing authority has examined the record and found no evidence to support relief under the finality rule, misaction/misinformation, and failure to fully comply provisions.

You may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee to the FSA State Committee or the National Appeals Division or request mediation. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

138 Williamsburg Lane
Waterloo, IL 62298

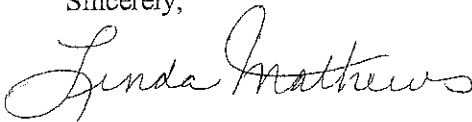
The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance programs. (Not all prohibited basis apply to all programs.) Persons with disabilities who require alternative means for communications of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800)-795-3272 (voice) or (202)-720-6382 (TDD). USDA is an equal opportunity provider and employer.

In addition to the above notification of benefit and payment ineligibility and applicable appeal rights, FSA would also like to notify you of good faith relief provisions that may be available for inadvertent violations. Benefit and payment eligibility may be restored if it is determined you acted in good faith as approved by FSA and you agree to implement practices according to a mitigation or restoration plan within an agreed period, not to exceed one year.

If you decide to request a good faith determination, please use Form AD-1069, which has been provided for your convenience, and complete items 7 and 8. As opposed to completing item 7 you may attach a sheet to explain your request. You may also request to meet with the County Committee to provide any information that will assist in their review. If you determine to pursue this option, the completed Form AD-1069 needs to be returned to this office.

Sincerely,



Linda Mathews
County Executive Director

cc: Wayne Johanning, NRCS District Conservationist
Ray Gvillo, District Director